S.B. CIVIL WRIT PETITION NO.2594/2007

Mohan Ram
Versus
State and ors.

Date of Order : 17/4/2007.

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Bharat Saini for the petitioner.

******

Heard learned counsel for the petitioner.

Learned counsel for the petitioner has argued that the petitioner was allotted the fair price shop of village Sewadara, Panchayat Rulyani of District Sikar. Initially, license of the petitioner was suspended for sometime on certain complaints but subsequently the suspension was revoked vide order dated 12/4/2006 (Ann.5) which revocation has been reiterated vide order dated 10/7/2006 (Ann.7). Learned counsel for the petitioner submits that in the enquiry, the petitioner has been exonerated of all the charges levelled against him and at present no enquiry is pending against the

petitioner. The District Collector Sikar has thereafter issued notices inviting fresh applications for allotting the very same authorised fair price shops to a new person to run the same.

Having heard learned counsel for the petitioner and perusing the materials available on record, I find that what is contended by the learned counsel for the petitioner is correct. There is no reason that the respondents should proceed to make fresh allotment in regard to the same fair price shop which was already allotted to the petitioner particularly when in the enquiry, petitioner has been exonerated of all the charges levelled against him and at present no enquiry is pending against him. In my view, the petitioner had an alternative remedy of filing an appeal before the Food Commissioner which remedy the petitioner has not availed of.

I am therefore not inclined to entertain this writ petition prematurely filed before this Court.

The petitioner is directed to file an appeal before the Food Commissioner within a period of two weeks from today. On filing such an appeal, the Food Commissioner shall decide the same within three months thereafter. It is expected that during the pendency of appeal, respondents would not proceed to make fresh allotment in regard to the fair price shop.

With these observations and directions, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

anil